

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARLON L. ROBERSON,
Petitioner,

v.

PEOPLE OF THE STATE OF
CALIFORNIA, et al.,
Respondents.

No. 2:22-cv-01557 DAD DB P

No. 2:22-cv-00519 DAD DB P

ORDER

Petitioner is a state prisoner proceeding pro se. On October 23, 2023, petitioner filed a request for an expedited decision of his habeas petition. (ECF No. 20.) On December 6, 2023, petitioner filed another request to expedite in his Motion to Construe. (ECF No. 22.) Petitioner's request for an expedited decision states he has completed the prison term he was required by law to serve and is now serving an unjust and unlawful second sentence for the same offense. On February 9, 2024, respondent filed a motion to consolidate cases asserting petitioner has multiple petitions pending before this court and the successive petition should be construed as an amended petition. (ECF No. 27.) For the reasons stated below the undersigned Denies petitioner's motions for an expedited decision (ECF Nos. 20, 22), and Grants respondent's motion to consolidate (ECF No. 27).

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Motions to Expedite

The court does not have a separate “expedited” calendar. The court understands petitioner’s need and desire to have his case decided quickly as he believes relief is warranted. However, the court has pending before it many habeas cases wherein each prisoner alleges relief is warranted and warranted immediately. The court’s case management generally proceeds by the order in which cases are received. Due to the high volume of cases and the court’s diligent handling of each case, a court decision often takes time. Additionally, it has often been noted that judges in the Eastern District of California carry among the heaviest caseloads in the nation. Petitioner’s motion will be denied insofar as he seeks to impose different time frames than the court is able to provide. The petition will be considered in due course.

Motion to Consolidate

Examination of the instant petition and the petition in Case No. 2:22-cv-00519-DAD-DB reveals that both cases challenge aspects of petitioner’s trial and sentencing in California Superior Court, Sacramento County case numbers 16FE022744 and 18FE019409. Given that the two petitions involve common questions of fact and law, the Court finds that they should be consolidated under Federal Rule of Civil Procedure 42(a). The Clerk will be directed to administratively close the file in Case No. 2:22-cv-01557-DAD-DB, and all future pleadings shall be filed in Case No. 2:22-cv-00519-DAD-DB.

For the reasons set forth above, IT IS HEREBY ORDERED that:

- 1) Petitioner’s requests for expedited decisions (ECF No. 20, 22) are DENIED;
- 2) This action, 2:22-cv-01557-DAD-DB, is consolidated with petitioner’s habeas petition at Case No. 2:22-cv-00519-DAD-DB. In accordance with this order,
 - a. Case No. 2:22-cv-00519-DAD-DB is designated as the “master file”;
 - b. The Clerk is directed to copy the petition and the other pertinent documents in Case No. 2:22-cv-00519-DAD-DB and to place said copies in the “master file”;
 - c. The Clerk is directed to administratively close Case No. 2:22-cv-01557-DAD-DB;

- 1 d. The parties are directed to file all future pleadings ONLY in Case No. 2:22-cv-
2 00519-DAD-DB; and
3 e. To ensure Petitioner's claim is clear and complete Petitioner is directed to file
4 an amended petition within sixty days to ensure there is one operative petition.

5 Dated: June 6, 2024

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8 DEBORAH BARNES
9 UNITED STATES MAGISTRATE JUDGE

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